

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 00-6025-Civ-Middlebrooks

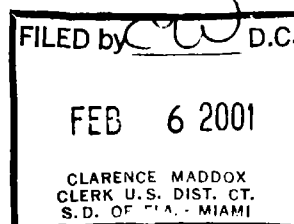
ADVOCATES FOR THE DISABLED, INC.,
a Florida not-for-profit corporation,
PETER SPALLUTO, individually, and
ERNST ROSENKRANTZ, individually,

Plaintiffs,

vs.

SEA CASTLE RESORT MOTEL PARTNERSHIP,
a Michigan General Partnership, and
MICHELLE BROWNELL, General Manager of
Sea Castle Resort Inn, and
LANCASTER SEA CASTLE RESORT, LTD.,
a Florida Limited Partnership,

Defendants.



ORDER DENYING MOTIONS TO DISMISS

THIS CAUSE comes before the Court upon Defendant Sea Castle Resort Motel Partnership's Motion to Dismiss Second Amended Complaint (DE 30), Defendant Michele Brownell's Motion to Dismiss Second Amended Complaint (DE 31), Defendant Lancaster Sea Castle Resort, Ltd.'s Motion to Dismiss Second Amended Complaint (DE 39), and the responses and replies thereto. Upon consideration, the Court finds that the issues raised by these motions are more properly considered on motions for summary judgment. In denying Defendants' motions to dismiss, the Court does not rule out the possibility of Rule 11 sanctions against counsel for the Plaintiffs and/or the Plaintiffs themselves if the evidence

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later shows that they have failed to properly investigate their claims against Defendants.

Accordingly, it is

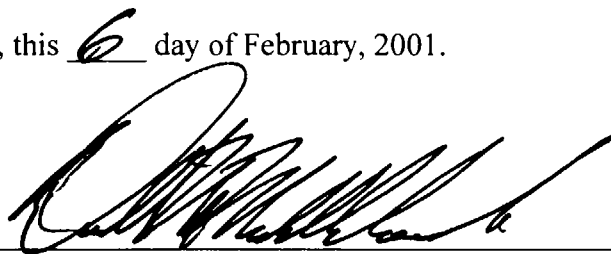
ORDERED and ADJUDGED that:

1. Defendant Sea Castle Resort Motel Partnership's Motion to Dismiss Second Amended Complaint (**DE 30**) is **DENIED AS MOOT** pursuant to Plaintiff's Notice of Voluntary Dismissal as to the Defendant Sea Castle Resort Motel Partnership (DE 33).

2. Defendant Michele Brownell's Motion to Dismiss Second Amended Complaint (**DE 31**) is **DENIED**.

3. Defendant Lancaster Sea Castle Resort, Ltd.'s Motion to Dismiss Second Amended Complaint (**DE 39**) is **DENIED**.

DONE and ORDERED at Miami, Florida, this 6 day of February, 2001.

A handwritten signature in black ink, appearing to read 'Donald M. Middlebrooks', written over a horizontal line.

DONALD M. MIDDLEBROOKS
UNITED STATES DISTRICT JUDGE

Copies provided to Counsel of Record.